

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

NICOLE D. BASS, Individually, and on)
behalf of similarly situated persons,)
Plaintiffs,)
v.) No. 3:05-CV-586
SCHELL & KAMPETER, INC., et al.,) (GUYTON)
Defendants.)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 38]. This matter came before the Court on March 26, 2008 on the Parties' Joint Motion In Support of Final Approval Of Settlement Agreement And Entry Of Judgment [Doc. 48] and the Motion To Approve Attorney's Fees For Class Counsel [Doc. 50]. Attorneys James Andrews and Perry Craft were present on behalf of the plaintiffs, along with Nicole Bass ("Bass") class representative. Attorneys William Young, Jeffrey Thompson and Kent Lowry were present on behalf of the defendants, along with Mark Shell, the defendants' representative.

Pursuant to Rule 23 of the Federal Rules of Civil Procedure, and after review of the entire record in this matter, and also based upon the testimony of Bass and the presentations of counsel, the Court finds that the proposed settlement agreement in this matter is fair, adequate and reasonable and is consistent with the public interest. The Court further finds that no objections by the members

of the plaintiff class were made to the proposed settlement agreement. Accordingly, the said Parties' Joint Motion [Doc. 48] is **GRANTED**, and the proposed Settlement Agreement is approved.

With regard to the Motion for Fees [Doc. 50], the defendants announced at the March 26, 2008 hearing that they do no object to the fees, the amount of which was established through arbitration. The Court finds no basis upon which to re-visit the decision of the arbitrator. Accordingly, the Motion For Fees [Doc. 50] is well-taken and it is **GRANTED**.

The parties are directed to prepare an agreed final judgment for submission to the undersigned for consideration and entry, on or before April 15, 2008.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge